

Entered - 10/09/03 - sb
CL03L0809 - DIANNE C. MITCHELL

CLAIM OF: **MICHAEL A. STEWART** as agent for
VISION ESTATES
4310 Wood Creek Drive
Marietta, Georgia 30062

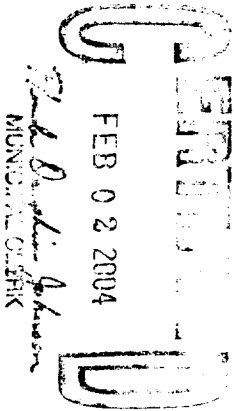
04-*R*-0118

FEB 02 2004

For damages alleged to have been sustained as a result of flooding in
May, 2003 at 1013 Ashby Grove.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ARE
UN

FAVORABLE REPORT

PUBLIC SAFETY

LEGAL ADMINISTRATION

DATE: 1/27/04

CHAIR: 











OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

February 9, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Vision Estates
Agent: Michael A. Stewart
4310 Wood Creek Dr.
Marietta, GA 30062

04-R-0118

Dear Mr. Stewart:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 02, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0809

Date: January 8, 2004

Claimant /Victim MICHAEL A. STEWART as agent of VISION ESTATES

BY: (Atty)(Ins. Co.) _____

Address: 4310 Wood Creek Drive, Marietta, Georgia 30062

Subrogation: _____ Claim for Property damage \$ Not Stated Bodily Injury \$ _____

Date of Notice: 10/06/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/03 Place: 1013 Ashby Grove

Department Watershed Management Bureau: Stormwater

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant, through its agent, alleges that its property was damaged due to stormwater overflow. The investigation determined that the flooding was due to heavy rainfall for which the City is not liable.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

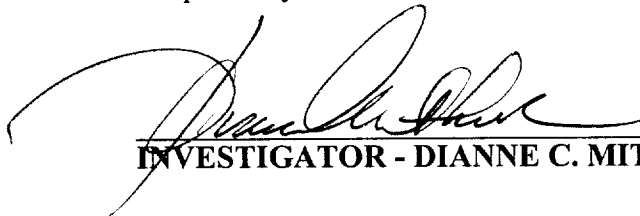
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 01/15/04

Committee Action: _____ Council Action _____

CONSENT I

2-02-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0033 2. 04-O-0037 3. 04-O-0151 4. 04-O-0159 5. 04-O-0153 6. 04-R-0176 7. 04-R-0133 8. 04-R-0178 9. 04-R-2123 10. 04-R-0135 11. 04-R-0136 12. 04-R-0137 13. 04-R-0138 14. 04-R-0139 15. 04-R-0145 16. 04-R-0146 17. 04-R-0147 18. 04-R-0148 19. 04-R-0149 20. 04-R-0150 21. 04-R-0154 22. 04-R-0160 23. 04-R-0161 24. 04-R-0162 25. 04-R-0164 26. 04-R-0184 27. 04-R-0140 28. 04-R-0170 29. 04-R-0076 30. 04-R-0077 31. 04-R-0078 32. 04-R-0079 33. 04-R-0080 34. 04-R-0081 35. 04-R-0082 36. 04-R-0083 37. 04-R-0084 38. 04-R-0085 39. 04-R-0086 40. 04-R-0087	41. 04-R-0088 42. 04-R-0089 43. 04-R-0090 44. 04-R-0091 45. 04-R-0092 46. 04-R-0093 47. 04-R-0094 ITEMS ADVERSE ON CONSENT 48. 04-R-0096 49. 04-R-0097 50. 04-R-0098 51. 04-R-0099 52. 04-R-0100 53. 04-R-0101 54. 04-R-0102 55. 04-R-0103 56. 04-R-0104 57. 04-R-0105 58. 04-R-0106 59. 04-R-0107 60. 04-R-0108 61. 04-R-0109 62. 04-R-0110 63. 04-R-0111 64. 04-R-0112 65. 04-R-0113 66. 04-R-0114 67. 04-R-0115 68. 04-R-0116 69. 04-R-0117 70. 04-R-0118 71. 04-R-0119 72. 04-R-0120 73. 04-R-0121 74. 04-R-0122 75. 04-R-0123 76. 04-R-0124